

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**LON ALLEN YARBROUGH**  
**3508 Winston Way**  
**Carmichael, CA 95608**

**Registered Nurse License No. 277136**

Respondent

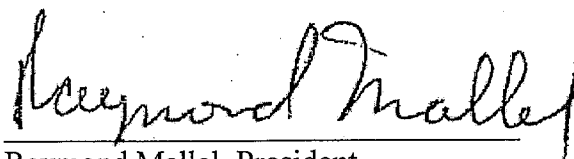
Case No. 2012-196

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary order for Public Reprimand is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **September 14, 2012.**

IT IS SO ORDERED **August 16, 2012.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
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Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **LON ALLEN YARBROUGH**  
3508 Winston Way  
14 Carmichael, CA 95608  
Registered Nurse License No. 277136

15 Respondent.

Case No. 2012-196

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER FOR PUBLIC  
REPROVAL**

[Bus. & Prof. Code § 495]

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. LOUISE R. BAILEY, M.ED., RN (Complainant) is the Executive Officer of the  
21 Board of Registered Nursing. She brought this action solely in her official capacity and is  
22 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
23 Arthur D. Taggart, Supervising Deputy Attorney General.

24 2. Respondent Lon Allen Yarbrough (Respondent) is represented in this proceeding by  
25 attorney Stewart Katz, whose address is: Law Offices of Stewart Katz, 555 University Avenue,  
26 Suite 270, Sacramento, CA 95825.

27 3. On or about March 31, 1977, the Board of Registered Nursing issued Registered  
28 Nurse License No. 277136 to Lon Allen Yarbrough (Respondent). The Registered Nurse License

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-  
2 196 and will expire on September 30, 2012, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2012-196 was filed before the Board of Registered Nursing (Board),  
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
6 and all other statutorily required documents were properly served on Respondent on  
7 September 30, 2011. Respondent timely filed his Notice of Defense contesting the Accusation.  
8 A copy of Accusation No. 2012-196 is attached as **Exhibit A** and incorporated herein by  
9 reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and understands the  
12 charges and allegations in Accusation No. 2012-196. Respondent has also carefully read, fully  
13 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
14 Order for Public Reprimand.

15 6. Respondent is fully aware of his legal rights in this matter, including the right to a  
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
17 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
18 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
19 the attendance of witnesses and the production of documents; the right to reconsideration and  
20 court review of an adverse decision; and all other rights accorded by the California  
21 Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
23 every right set forth above.

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in Accusation  
26 No. 2012-196.

9. Respondent agrees that his Registered Nurse License is subject to discipline and he agrees to be bound by the Board of Registered Nursing (Board)'s probationary terms as set forth in the Disciplinary Order below.

## CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Reprimand shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reproval, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order for Public Reapproval is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order for Public Reapproval may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

///

1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that Registered Nurse License No. 277136 issued to  
3 Respondent Lon Allen Yarbrough (Respondent) shall, by way of letter from the Board's  
4 Executive Officer, be publicly reprovved. The letter shall be in the same form as the letter attached  
5 as **Exhibit B** to this stipulation.

6 IT IS FURTHER ORDERED that, within one year from the effective date of this decision,  
7 Respondent shall pay \$1,000.00 to the Board for its costs associated with the investigation and  
8 enforcement of this matter. Respondent shall be permitted to pay these costs in a payment plan  
9 approved by the Board. If Respondent fails to pay the Board costs as ordered, Respondent shall  
10 not be allowed to renew her Registered Nurse License until Respondent pays costs in full.

11 ACCEPTANCE

12 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public  
13 Reproval and have fully discussed it with my attorney, Stewart Katz. I understand the stipulation  
14 and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement  
15 and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to  
16 be bound by the Decision and Order of the Board of Registered Nursing.

17  
18 DATED: 5/14/2012

19   
20 LON ALLEN YARBROUGH  
Respondent

21 I have read and fully discussed with Respondent Lon Allen Yarbrough the terms and  
22 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order  
23 for Public Reproval. I approve its form and content.

24  
25 DATED: 5/14/12

26   
Stewart Katz  
Attorney for Respondent

27 ///

28 ///

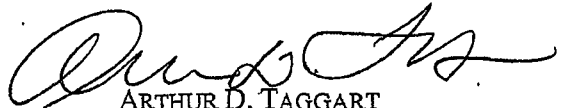
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: *May 22, 2012*

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
ALFREDO TERRAZAS  
Senior Assistant Attorney General



ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 2012-196**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
4 State Bar No. 083047  
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5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5339  
Facsimile: (916) 327-8643  
7 Attorneys for Complainant

8 BEFORE THE  
BOARD OF REGISTERED NURSING  
9 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No.

2012-196.

12 LON ALLEN YARBROUGH  
3508 Winston Way  
13 Carmichael, CA 95608  
Registered Nurse License No. 277136

ACCUSATION

14 Respondent.

15  
16 Complainant alleges:

17 PARTIES

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
20 Department of Consumer Affairs.

21 2. On or about March 31, 1977, the Board issued Registered Nurse License Number  
22 277136 to Lon Allen Yarbrough ("Respondent"). Respondent's registered nurse license was in  
23 full force and effect at all times relevant to the charges brought herein and will expire on  
24 September 30, 2012, unless renewed.

25 STATUTORY AND REGULATORY PROVISIONS

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
27 the Board may discipline any licensee for any reason provided in Article 3 (commencing with  
28 section 2750) of the Nursing Practice Act.



1 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
2 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
3 to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
4 (b), the Board may renew an expired license at any time within eight years after the expiration.

5 5. Code section 2761 states, in pertinent part:

6 The board may take disciplinary action against a certified or licensed  
7 nurse or deny an application for a certificate or license for any of the following:

8  
9 (f) Conviction of a felony or of any offense substantially related to the  
10 qualifications, functions, and duties of a registered nurse, in which event the record of  
11 the conviction shall be conclusive evidence thereof...

12 6. Code section 2765 states:

13 A plea or verdict of guilty or a conviction following a plea of nolo  
14 contendere made to a charge substantially related to the qualifications, functions and  
15 duties of a registered nurse is deemed to be a conviction within the meaning of this  
16 article. The board may order the license or certificate suspended or revoked, or may  
17 decline to issue a license or certificate, when the time for appeal has elapsed, or the  
18 judgment of conviction has been affirmed on appeal or when an order granting  
19 probation is made suspending the imposition of sentence, irrespective of a subsequent  
20 order under the provisions of Section 1203.4 of the Penal Code allowing such person  
21 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside  
22 the verdict of guilty, or dismissing the accusation, information or indictment.

23 7. Code section 490, subdivision (a), states:

24 In addition to any other action that a board is permitted to take against a  
25 licensee, a board may suspend or revoke a license on the ground that the licensee has  
26 been convicted of a crime, if the crime is substantially related to the qualifications,  
27 functions, or duties of the business or profession for which the license was issued.

28 8. California Code of Regulations, title 16, section 1444, states, in pertinent part:

A conviction or act shall be considered to be substantially related to the  
qualifications, functions or duties of a registered nurse if to a substantial degree it  
evidences the present or potential unfitness of a registered nurse to practice in a  
manner consistent with the public health, safety, or welfare. Such convictions or acts  
shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those  
violations listed in subdivision (d) of Penal Code Section 11160...

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1 of the house or a welcome guest, that he had been asked not to come to the house, and that if he  
2 entered the house, he would be trespassing. Later, Barradale arrived at the residence and began  
3 opening the door. Respondent warned Barradale not to come in, but Barradale proceeded into the  
4 residence. Respondent shot Barradale in the chest with his revolver.

5 b. On or about November 9, 2001, in the criminal proceeding titled, *People v. Lon Allen*  
6 *Yarbrough* (Super. Ct. Sacramento County, 2001, Case No. 01M10438), Respondent pled nolo  
7 contendere to violating Penal Code section 647, subdivision (b) (disorderly conduct: engaging in  
8 and agreeing to engage in an act of prostitution, a misdemeanor). The circumstances of the crime  
9 are as follows: On or about August 28, 2001, Respondent approached an undercover officer, in  
10 the area of 6610 Stockton Boulevard, and made an agreement for oral copulation of the officer for  
11 \$39. Respondent followed the officer into a motel room, where he was taken into custody for  
12 violating Penal Code sections 647, subdivision (b), and 653.22.

13 PRAYER

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
15 and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse License Number 277136, issued to Lon  
17 Allen Yarbrough;

18 2. Ordering Lon Allen Yarbrough to pay the Board of Registered Nursing the reasonable  
19 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
20 Code section 125.3;

21 3. Taking such other and further action as deemed necessary and proper.

22  
23 DATED: September 30, 2011

for LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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28 10754649.docx

**Exhibit B**

**Letter of Public Reproval in Case No. 2012-196**



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

**Board of Registered Nursing**  
P O Box 944210, Sacramento, CA 94244-2100  
P (916) 322-3350 | [www.rn.ca.gov](http://www.rn.ca.gov)  
**Louise R. Bailey, M.ED., RN, Executive Officer**



August 16, 2012

Lon Allen Yarbrough  
3508 Winston Way  
Carmichael, CA 95608

RE: LETTER OF PUBLIC REPROVAL  
In the Matter of the Accusation Against:  
Lon Allen Yarbrough, Registered Nurse License No. 277136

Dear Mr. Yarbrough:

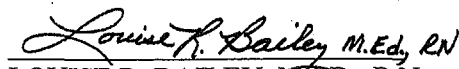
The Board of Registered Nursing hereby issues this Letter of Public Reproval (public reproval) under the authority granted under Business and Professions Code section 495. This public reproval is issued to you pursuant to a Stipulated Settlement and Disciplinary Order for Public Reproval (stipulated agreement) that you have entered with the Board to resolve the charges pending against your registered nurse license in Accusation NO. 2012-196 (Accusation).

The Accusation charges you with two violations of Business and Professions Code sections 2761(f) and 490, on the basis of two convictions that are substantially related to the qualifications, functions, and duties of a registered nurse. Certified court records show that on February 14, 1984 you were convicted in Sacramento Superior Court of involuntary manslaughter, a violation of California Penal Code sections 192.2/192.3. Certified court records from the same superior court show that November 9, 2001, you were convicted of agreeing to engage in an act of prostitution, a violation of California Penal Code sections 647(b) and 653.22.

Please be advised that the Board has issued this public reproval in light of a more severe form of discipline, after considering the following mitigating circumstances: (1) you have no prior record of discipline with the Board, (2) you have provided credible evidence of rehabilitation, and (3) you have not reoffended since your last conviction in 2001.

Please also be advised this public reproval constitutes disciplinary action by the Board against Registered Nurse License No. 277136, is part of your permanent record with the Board, and may be considered in any future licensing matters.

Sincerely,

  
LOUISE R. BAILEY, M.ED., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California